

Notice of Allowability

Application No.

09/354,058

Examiner

Ella Colbert

Applicant(s)

CRESCENTI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 October 2007.
2. ☒ The allowed claim(s) is/are 1-4,7-13,15-17,19,23,27 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/30/03, 9/15/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 1-4, 7-13, 15-17, 19, 23, 27, and 30 are pending. Claims 1-4, 7, 8, 10, 12, 13, 15-17, 23, 27, and 30 have been amended and claims 20-22, 25, 26, and 29 have been cancelled in the Response filed 10/15/07 entered as Response After Non-Final Action.

2. The IDS's filed 1/30/03 and 9/15/04 have been considered and entered.

Allowable Subject Matter

3. Claims 1-4, 7-13, 15-17, 19, 23, 27, and 30 are allowed.

4. The following is an examiner's statement of reasons for allowance: The closest prior art is (US 5,926,836) Blumenau. Blumenau has a computer and method for recovering backed up data on archive media but fails to disclose each of the plurality of backup cells configured to be controlled by a manager component in another backup cell among the plurality of backup cells, a second manager component configured to directly control the backup of data to the at least one backup device of the first backup cell, a second manager component coupled to the first network computing device configured to independently and directly control the backup of the data to at least one backup device, a second computing device coupled to the first network computing device configured to directly control the backup of the data to at least one backup device, means for communicatively coupling each of the plurality of backup cells to at least one other of the plurality of backup cells, each of the plurality of backup cells configured to be controlled by the manager component of the other of the plurality of the backup cells, and means for communicatively coupling a first backup cell of the plurality

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of backup cells to one other backup cell of the plurality of backup cells with the first backup cell being controlled by the manager component in the one other backup cell. For these reasons claims 1, 4, 10, 16, 23, and 27 are deemed to be allowable over the prior art of record, and claims 2, 3, 7-9, 11-13, 15, 17, 19, and 30 are allowed by dependency.

Other Prior Art

David A. Arneson; "Mass Storage Archiving in Network Environments"; IEEE; 31 October -3 November 1988; Pages 45-80.

Luis-Felipe Cabrera, Robert Rees, Stefan Steiner, Wayne Hineman, Michael Penner; "ADSM: A Multi-Platform, Scalable, Backup and Archive Mass Storage System"; IEEE; 5-9 March 1995; Pages 420-427.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 26, 2007


PRIM/...MINER